

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA**

JOSHUA ROBERT DALY,

Petitioner,

V.

WARDEN TERRY O'BRIEN,

Respondent.

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Civil Action No. 5:14-cv-19

**RESPONDENT'S MOTION TO DISMISS OR FOR
SUMMARY JUDGMENT AND
RESPONSE TO SHOW CAUSE ORDER**

Comes now Respondent, Terry O'Brien, Warden, by counsel, Helen Campbell Altmeyer, Assistant United States Attorney for the Northern District of West Virginia and respectfully moves that the Petition filed herein be dismissed or that summary judgment be granted in his favor for the reasons fully set forth in the attached MEMORANDUM OF LAW IN SUPPORT OF RESPONDENT'S MOTION TO DISMISS OR FOR SUMMARY JUDGMENT AND RESPONSE TO ORDER TO SHOW CAUSE.

Respectfully submitted,

WILLIAM J. IHLENFELD, II
UNITED STATES ATTORNEY

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing RESPONDENT'S MOTION TO DISMISS OR FOR SUMMARY JUDGMENT AND RESPONSE TO ORDER TO SHOW CAUSE has been electronically filed with the Clerk of the Court by using the CM/ECF system this 5th day of June, 2014. The foregoing document has been furnished for delivery via first-class mail to the following non-CM/ECF participant:

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